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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2012-09
PLAN COMMISSIONER DOCKET # PC-R-12-01

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA
COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN
REAL ESTATE IN WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK
COUNTY, INDIANA:

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the Agriculture, ^{2CON} as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Beginning at the SE corner of the E1/2 of the SE1/4 of the NW 1/4 of the S24-T4S - R8W is the POB. Thence N 00° 35' 09" a distance of 1306.06'; thence S89° 24' 51" E a distance of 645.46'; thence S 00° 00' 00" W a distance of 1321.51'; thence N 88° 04' 38" W a distance of 659.15'; which is the point of beginning.

which real estate is now zoned and classified as part of the Agriculture ^{2CON} District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said A ^{2CON} District to said M-2 District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

Tim Mosley
President

Don White
Member
Mark Weiskopf
Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

J. B. Dugan
County Auditor
3-12-12
Date Approved

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

NATHAN BROWNELL
Signature

Nathan Brownell
Printed Name

This Document prepared by Nathan Brownell

X REF 2010R-002340



USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Wild Boar Mine, by Tom Peck, Petitioner, & American Land Holdings of Indiana, by Marc Hathhorn, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 866 West Dickeyville which real estate is more particularly described as follows, to wit:

E1/2 SE1/4 NW1/4 Section 24-T4S R8W

WHEREAS, as the real estate is currently classified as a A Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district M-2 and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:

The real estate will be used for support functions of the adjacent Wild Boar surface coal mine. These functions include mine management, office, a maintenance and repair shop, employee parking, parts and supplies storage and other mining support functions.

2. Use of the Real Estate shall be limited to the following development requirements:

The use of the real estate will be limited to what is necessary for a typical surface coal mining operation. The use and activities will only support the Wild Boar mining operation and will not involve any other commercial or retail activities.

3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby
made and entered into this 3 day of February, 2012 by
_____ for the purpose set forth herein.

Tom Peck
Signature, Petitioner

Marc HATHORN
Signature, Owner

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State,
personally appeared the within named Tom Peck & Marc HATHORN
who acknowledged the execution of the foregoing Use and Development commitment to
be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 3 day of FEBRUARY, 2012.

NOTARY PUBLIC

Kevin Bland
Signature

KEVIN BLAND
Printed Name

A resident of GREENE County, Indiana.

My commission expires: OCT 24, 2013

This instrument prepared by: Nathan Brownell
(Name)

2277 West Tecumseh RD Lymville IN 47619
(Address)

812 480 7405
(phone)

Receipt No. 18146

\$57

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R- 12-01

Petitioner: Wild Boar Mining, LLC by Tom Peck

Address: 2277 West Tecumseh Road
Lynnville, IN 47619

Owner of Record: American Land Holdings of Indiana
By Marc Hathhorn

Address: 7100 Eagle Crest Blvd Suite 100
Evansville, IN 47715

Lessee: Wild Boar Mining, LLC by Tom Peck

Address: 2277 West Tecumseh Road
Lynnville, IN 47619

1. Petition is hereby made for the change of "Zoning Maps" of the City or Town of _____ (). County of Warrick (), (Check One), State of Indiana, under the authority vested in the Warrick County Area Plan Commission by Chapter 138, Article V, Section 51 and of the 1957 Act of the General Assembly, as amended, State of Indiana.
2. Premises affected are situated on the North side of Dickeyville Road, a distance of 450 feet East (S. W. N. E.) of the corner formed by the intersection formed by Eby Road and Dickeyville Road

Subdivision or Legal Description:

The area consists of 19.669 acres located in Hart Civil Township and described as the E ½ of the SE ¼ of the NW ¼ of section 24, T4S, R8W, Warrick County, Indiana. The area is located on the Lynnville Quadrangle.

FILED

JAN 12 2012

WARRICK COUNTY
AREA PLAN COMMISSION

3. Located in Zone District Designated as: (Circle one or show one.)

City or Town: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2, C-3, C-4, W-R, W-1, M-1, M-2, M-3, PUD.

4. Requested change to: (Circle one or Show one.)

City or Town: F.P., CON, A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2, C-3, C-4, W-R, W-1 M-1, M-2 M-3, PUD.

5. Existing Land Use: Mining SU-13

(a.) Conforming: _____
(b.) Pre-Existing ~ Non-Conforming: _____
(c.) Conditional Use: _____

6. Proposed Land Use: Mine Office and maintenance shop

Certificate: - Owner hereby certifies that he/she owns 50% or more of the land above described.

Date: _____

Petitioner: Tom Peck

Owner: Marc Hathhorn

Represented By: American Land Holdings of Indiana

Phone: 812-490-7405

nbrownell@pcabodyenergy.com

*** NOTICE OF PUBLIC HEARING ***

Date: _____

PC-R- 12-01

Applicant: Wild Boar Mine, LLC Owner of Record: American Land Holdings of Ind.

Address: 2277 W. Tecumseh Rd
Boonville, IN.

Address 7100 Eagle Crest Blvd.
Evansville IN 47715

Re: Petition for: Rezone 19.669 acres from
"A" Agriculture and "C" Recreation
and Conservancy to "M-2" General
Industrial with a Use & Development
Commitment.

Dear: _____;

This letter will serve notice to you of scheduled hearing/s of a petition for Rezoning
which has been filed with the Warrick County Area Plan Commission.

PREMISES AFFECTED: Property located on the N side of Dickeyville Rd
Approximately 450 feet 1/4 miles E of the intersection formed by Eby Rd
and Dickeyville Rd. Hart Twp. Lot No. _____ In
_____ Subdivision (if applicable).

AREA PLAN COMMISSION hearing to be held in the Commissioners Meeting Room,
Third Floor, Courthouse, Boonville, Indiana. Hearing to be held at 6:00 P.M. on Monday,

February 13, 2012

Sincerely,

[Signature]
Applicant and/or Owner

[Signature]
Marc Hathhorn

FILED

JAN 12 2012

WARRICK COUNTY
AREA PLAN COMMISSION

S 89° 24' 51" E 645.46'

N 00° 35' 09" E 1306.06'

S 00° 00' 00" W 1321.51'

N: 239044.2793
E: 450735.3001

POB or Section Corner N 88° 04' 38" W 659.15'

AREA 19.669 ACRES
E 1/2 SE 1/4 NW 1/4
S24 T4S, R8W

	Peabody MIDWEST OPERATIONS, LLC.	
	Wild Boar Mine REZONING PLOT PLAN 1" = 50'	
	DATE: 01/09/12	DRAWN BY: NKB



Zoning
Feature Name:
fp
con

Zoning
Feature Name:
CON
F-P

☐ **Parcels**

☐ **Addresses**

☐ **Highways**
☐ **Roads**
☐ **Legal Drains**

